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SHC asked to strike down 27th Amendment

• LHC judge hearing two petitions against tweaks recuses for 'personal reasons'
• Lawyers organise rally in Lahore, vow to announce next course of action soon

By Sumair Abdullah and Wajih Ahmad Sheikh

KARACHI/LAHORE: Days after the 27th Amendment came into effect, a petition landed in the Sindh High Court for its annulment, while a Lahore High Court judge hearing a similar plea recused himself from hearing the case due to "personal reasons".

On the other hand, the Lahore High Court Bar Association (LHCBA) organised a rally in Lahore against the new amendment and vowed to hold weekly protests against the recent constitutional tweaks that established 'a court above the Supreme Court', namely the Federal Constitutional Court (FCC).

In the SHC, the petition filed by Barrister Ali Tahir made the federal government, the FCC chief justice and the FCC judges respondents, asking the court to declare the 27th Amendment "unconstitutional".

The petitioner said that the recent amendment contemplated the establishment of a separate FCC and curtailment or transfer of the existing jurisdiction of the Supreme Court and the high courts conferred under the articles 184 (3) and 199 of the Constitution.

"Such an attempt, if permitted to proceed, would fundamentally alter the Constitutional framework, destroy the independence of the judiciary, violate the doctrine of separation of powers and extinguish the citizens rights of access to justice and judicial review guaranteed by the Constitution of the Islamic Republic of Pakistan, 1973," the petitioner said. According to the petition, the FCC and the position of the FCC chief justice could not have been "constitutionally created".

"It is inherently ultra vires, as no parallel or superior court can be established above the Supreme Court of Pakistan. Such construct would violate the basic structure of the Constitution," it added.

Regarding the notifications through which FCC judges were appointed, the petitioner claimed that "those who are pretending to hold public office under these shady notifications should also be treated as respondents in a writ of quo warranto. It is obvious that the executive wanted to build a tailor-made court for itself, which is why it rammed these notifications through within hours and filled every seat like it owned the Constitution."

He added that out of 24 judges of the Supreme Court, FCC CJ Justice Aminduddin Khan was at number four in the seniority list, while Justice Hassan Azhar Rizvi ranked ninth, Justice Aamer Farooq ranked 21st, and Justice Ali Baqar Najafi ranked 23rd. It claimed that these appointments raised significant questions about the process, timing, and intent.

The petitioner argued that the Supreme Court itself in multiple precedents, including the Attock Cement case, affirmed that a regular bench of the high court retained the authority to issue declaratory relief and enforce constitutional rights.

"Any attempt to withdraw or reassign this jurisdiction to special benches, particularly those constituted through executive influence, is not only unconstitutional but void ab initio. It violates the doctrine of separation of powers and undermines the principle of judicial independence, which is an essential feature of the Constitution and cannot be amended even by a two-third(s) majority."

The petition urged to strike down the amendment and subsequent action. The petitioner also moved an application before the court, asking the SHC chief justice for a full bench or larger bench comprising five senior-most judges of the SHC to hear the petition.

LHC judge recuses

Meanwhile, Justice Chaudhry Muhammad Iqbal of the Lahore High Court on Monday recused himself from hearing two separate petitions challenging the 27th Amendment to the Constitution.

The judge requested the chief justice to fix them before any other appropriate bench, citing personal reasons.

The first petition was filed by lawyers Munir Ahmad and Mian Shabbir Ismail through Advocate Azhar Siddique, arguing that the amendment conflicts with the basic structure and spirit of the 1973 Constitution. The petition alleged that the amendment distorted the country's 60-year judicial history and tradition, maintaining that a federal constitutional court was never part of the original constitutional scheme.

The petition further argued that the current National Assembly was not a "true constituent assembly" and therefore lacked the authority to introduce such major constitutional changes. In the second plea, a citizen, Hassan Latif, challenged the 27th Amendment. The petition contended that radical changes introduced by the amendment contradicted the preamble of the Constitution and aimed at curtailing the powers of the Supreme Court.

LHCBA meeting

The Lahore High Court Bar Association members held a general house meeting followed by a rally against the 27th Amendment. LHCBA President Asif Nissoana presided over the meeting, which was also attended by Lahore Bar Association (LBA) President Mubashir Rehman and other lawyer leaders. During the meeting, the lawyers rejected the 27th Amendment, alleging that it weakened the Supreme Court.

Mr Niswana said a parallel constitutional court had been created under the amendment, rendering the Supreme Court ineffective. He claimed that there was no court left to protect the fundamental rights of the people. He announced that the LHCBA and the LBA would hold meetings and rallies every Thursday and a lawyers' action committee would announce the next course of action, he added.

PTI Secretary General Salman Akram Raja also addressed the meeting, saying the time had come to stand up once again as there was no other option left. He questioned the legality of the appointment of the head of the federal constitutional court made by the prime minister.

After the meeting, dozens of lawyers took out a rally from GPO Chowk to the State Bank of Pakistan on the Mall.

Four envoys present credentials to president

Envoys of UAE, Denmark, Australia, Mauritius meet Zardari

By Bakhtawar Mian

UAE Ambassador-designate Salem Mohammed Salem Al Bawab Al Zaabi presents his credentials to President Asif Ali Zardari.—PPI

ISLAMABAD: Four newly designated envoys of different countries presented their credentials to President Asif Ali Zardari at the Presidency here on Monday.

Those who presented their credentials included Tim Kane, High Commissioner-designate of Australia; Munsoo Kurrimbaccus, High Commissioner-designate of Mauritius; Ms Maja Mortensen, Ambassador-designate of Denmark; and Salem Mohammed Salem Al Bawab Al Zaabi, Ambassador-designate of the United Arab Emirates.

A ceremony was arranged at the Presidency in which the ambassadors were presented a guard of honour by a smartly turned-out contingent of the armed forces. The president congratulated them on their appointment and expressed confidence that their tenures would further strengthen Pakistan's bilateral relations with the four countries.

While talking to the high commissioner-designate of Australia, President Zardari highlighted Pakistan's friendly relations with the country, emphasising enhanced trade and investment cooperation, agriculture and particularly in the education sector with a sizeable community of Pakistani students in Australia.

During his meeting with the high commissioner-designate of Mauritius, the President termed the long-standing bonds of friendship, underpinned by deep cultural affinity and shared Commonwealth heritage, as pivotal.

In his interaction with the ambassador-designate of Denmark, the president discussed the fraternal relations with Denmark and appreciated the close coordination between the two countries at the UN Security Council. He underscored the potential for enhanced cooperation in trade, agriculture, dairy products, technology and infrastructure development.

In his conversation with the ambassador-designate of the UAE, the president reaffirmed Pakistan's solidarity with the government and people of the United Arab Emirates, with Pakistan being the first country to recognise the UAE in 1971. He said the historic ties anchored in common faith, mutual trust and shared aspirations for regional peace and prosperity are the hall marks of this fraternal relationship.

TLP challenges ban notification

By Kalbe Ali

ISLAMABAD: The proscribed Tehreek-i-Labbaik Pakistan (TLP) on Monday filed a review petition against the ban imposed on it last month.

The party has challenged the notification issued on Oct 24 by interior ministry that placed the party in the First Schedule of proscribed organisations under the Anti-Terrorism Act (ATA), 1997, a day after the Punjab government's proposal in this regard was ratified by the federal cabinet.

Since the party under the regulations has the right to appeal to a review committee comprising interior and law ministry officers within 30 days, the TLP moved the appeal before the expiry of the deadline.

The petition argues the SRO No 2011(I)/2025 was issued without due consideration of earlier administrative and legal actions. It contains supporting documents annexed with the application including the 2021 notification of proscription, its restoration as a political entity by the ECP, the subsequent notification removing TLP from the proscribed list, and an 'agreement' between the federal government and the party.

Advocates Burhan Moazzam Malik and Sajjad Akbar Abbasi, who filed the application, maintain the ministry's latest move contradicts earlier commitments of the government and established legal processes. The interior ministry is expected to examine the petition and accompanying record before deciding to uphold, amend, or withdraw the October notification. If the petition is rejected, the TLP has the right to move the apex court.

PTI concerned over 'inhumane' conditions faced by imprisoned ally

By Ikram Junaidi

ISLAMABAD: The PTI on Monday expressed concerns over the "inhumane" conditions faced by its ally, Sunni Ittehad Council leader Hamid Raza, in jail.

In a statement, the PTI Central Media Department claimed that essential medical care or basic rights were not being provided to the incarcerated SIC leader, calling it a grave erosion of justice, due process, and constitutional protections.

It is worth mentioning that Islamabad police this month arrested Sahibzada Raza and presented him before a Faisalabad anti-terrorism court, which sent him to jail to serve his 10-year jail term in the May 9 case. The SIC chief was convicted in the case along with several PTI leaders on July 31.

"His arrest—carried out while he was on his way to voluntarily surrender before the court—and the subsequent denial of his basic rights in jail reflect a disturbing pattern of political persecution and a blatant disregard for human dignity," the PTI said, calling for immediate access to necessary medical care and legal facilities in jail.

"His family and legal counsel must be allowed to meet him in a proper and unhindered environment. PTI also calls for the prompt and impartial hearing of his appeals to ensure that justice is delivered without delay," it stated.

According to the PTI, the SIC leader's sentence reflected a broader political vendetta, while the conditions he was enduring in jail were utterly intolerable.

Pak-Uzbek body to be set up for boosting pharma trade

• Aviation ties, banking integration discussed • Connecting Central and South Asia markets 'central objective' for both nations

By Our Staff Reporter

ISLAMABAD: Pakistan and Uzbekistan decided on Monday to establish a joint committee comprising the drug regulatory authorities of both countries and the Pakistan Pharmaceutical Association (PMA) to fast-track solutions aimed at boosting pharma-related trade between the two nations.The agreement was reached during the Pakistan-Uzbekistan Cooperation's 8th Review Session, chaired by Haroon Akhtar Khan, the special assistant to the prime minister (SAPM) on industries and production.

The meeting was attended by Uzbek Ambassador Alisher Takhtayev, as well as senior representatives from the federal and provincial governments, the Special Investment Facilitation Council, the business community, and diplomatic missions.

During the meeting, both sides held comprehensive discussions on expanding bilateral cooperation in key sectors, including textiles, pharmaceuticals, surgical instruments, mining, and information technology.

In line with the vision of Prime Minister Shehbaz Sharif, Pakistan is accelerating its efforts to achieve the target of $2 billion in bilateral trade with Uzbekistan.

Mr Takhtayev reaffirmed his country's resolve to deepen regional integration, stating that connecting the markets of Central and South Asia remained a central objective for both nations.

It was decided that a body should be set up that includes the Drug Regulatory Authority of Pakistan, its Uzbek counterpart and the PMA to bolster the pharma trade between the two countries. The issue of slow certification of Pakistani medicines in Uzbekistan was raised by pharmaceutical stakeholders. In response, SAPM Khan assured the stakeholders that the certification process would be expedited.

Aviation ties

Aviation connectivity was another significant point of discussion.

The Uzbek ambassador expressed his interest in initiating direct flights from Karachi to his country, highlighting the potential for enhanced trade and tourism.

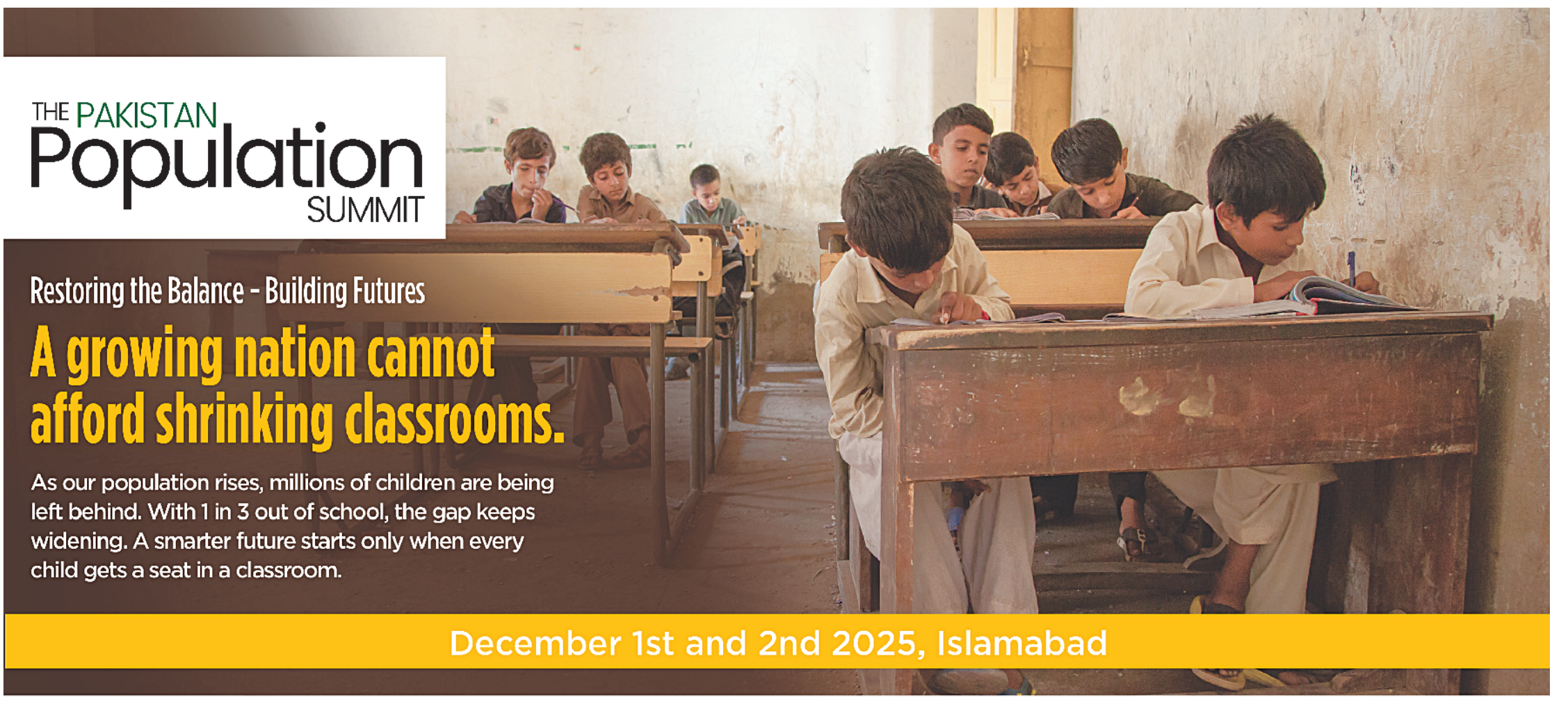
SAPM Khan emphasised that Pakistan-Uzbekistan air links were essential for unlocking commercial and travel opportunities. He added that Uzbekistan could serve as a new gateway for travel between the Gulf region and Europe.

Banking cooperation

The meeting also underscored the urgent need to strengthen banking cooperation between the two countries. The Uzbek side pointed out that the existing banking barriers were affecting trade transactions. Pakistan reiterated that financial integration was essential to sustaining economic cooperation.

Representatives of the State Bank of Pakistan assured the other side that banking challenges would soon be resolved and shared that several local banks were ready to facilitate bilateral trade.

It was announced that the National Bank of Pakistan would open a branch in Uzbekistan, enabling smoother financial operations for businesses on both sides.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